

### **REMARKS**

Claim 82 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In order to expedite allowance, applicant herein cancels claim 82 without prejudice or disclaimer. The applicant expressly reserves the right to pursue claims directed to the subject matter of the cancelled claim in this or another application (*e.g.*, a continuing application).

It is believed that all of the pending claims have been addressed. However, failure to address a specific rejection, issue or comment in the present file history does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made in the present file history are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in the present file history should be construed as an intent to concede any issue with regard to any claim, except as specifically stated, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No amendment presented herein contains new matter.

Accordingly, in view of the above amendments, applicant believes all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicant's representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: February 26, 2009

Respectfully submitted,

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